

September 24, 2001

Honorable C. Robert Wallis
Administrative Law Judge
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
Olympia, Washington 98504

Re: Puget Sound Energy, Inc.
Docket Nos. UE-011163 and UE-011170

Dear Judge Wallis:

By letter dated September 20, 2001 and on behalf of Puget Sound Energy, Inc., Mr. Markham A. Quehrn requested revisions to the Protective Order issued in these dockets on September 10, 2001. The purpose of the revisions is to ensure continued protection of certain documents the Company filed in Federal Energy Regulatory Commission Docket Nos. EL00-95, *et. al.*, and EL01-10, *et. al.* Those same documents have been requested by Commission Staff in Data Request Nos. 46 and 50 in Docket Nos. UE-011163 and UE-011170.

Please be advised that Commission Staff does not object to the revisions proposed by Mr. Quehrn. However, the issue raised by Mr. Quehrn is an issue of document protection before FERC, not this Commission. Irrespective of the FERC proceedings, the Company is obligated to respond to Staff data requests in accordance with WAC 480-09-480. Staff also has statutory authority to examine the books and records of the Company, again, irrespective of the FERC proceedings. RCW 80.04.070. Any concern of the Company regarding document confidentiality before this Commission is addressed by the current Protective Order.

Therefore, while Staff has no objection to revising the Protective Order, Staff is very concerned that responses to its data requests have been delayed to accommodate the protection of documents before FERC.¹ Our concern is heightened by the expedited

¹ In many cases, this delay resulted in a violation of WAC 480-09-480. Staff Data Request Nos. 1-47 were submitted to the Company on September 6, 2001. Thus, responses were due on September 20, 2001. They were not received, however, until late September 21, 2001, and, then, only with the assistance of Judge Wallis that afternoon through a conference call with Company and Staff counsel.

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schedule established for these proceedings. These circumstances, and others expressed repeatedly at the prehearing conferences, require adjustment to the procedural schedule. Staff's agreement to the proposed revisions, therefore, should not be construed as a reversal by Staff of the necessity for such adjustment.

Sincerely,

Robert D. Cedarbaum
Senior Counsel

cc: Parties of record